

**Statement of Honorable Penelope A. Gross
Chair, Local Government Advisory Committee
Chesapeake Bay Program**

**Water Resources and Environment Subcommittee
House Transportation and Infrastructure Committee**

May 4, 2006

Good morning, Mr. Chairman, and thank you for the opportunity to appear today to discuss Chesapeake Bay restoration activities and the vitally important role of local governments in those efforts. I am honored to be invited to provide testimony. Chesapeake Bay issues are of particular interest to me, which is why I serve on the Chesapeake Bay Policy Committee of the Metropolitan Washington Council of Governments, was a member of the Chesapeake Bay Program's Blue Ribbon Financing Panel and recently was elected Chair of the Bay Program's Local Government Advisory Committee. I also chair Virginia's Potomac Watershed Roundtable, and I represent the Mason District on the Fairfax County Board of Supervisors. As you may know, Fairfax County is one of the largest jurisdictions, population-wise, in the Chesapeake Bay watershed.

Each of these responsibilities has helped shape my perspective on what is needed to keep our efforts to achieve a clean Bay on track. I would like to share several themes that are the basis of my remarks today:

- Implementation and restoration happen primarily at the local level and we need more state and federal funding to get the job done;

- EPA and their state counterparts need to provide stronger leadership on regulatory issues that will drive much of the multi-billion dollar Bay cleanup effort; a more focused approach to enforcement of existing federal laws, regulations, and policies by EPA to the state would alone make significant strides to clean up the Bay.
- The Chesapeake Bay Program partners need to set clear implementation priorities, emphasizing those measures that offer the greatest pollution reduction return on investment;
- The implementation and funding burden must be shared equitably between and among sectors and levels of government.

Of the 98 commitments in the Chesapeake 2000 Agreement, 22 specifically involve local governments, and other commitments imply local government involvement. And I want to remind you that there are more than 1,650 local governments throughout the 64,000 square mile Chesapeake Bay Watershed. From a local government perspective, we know what to do to continue making progress, but we need more help from our state and federal partners. The Bay Program has successfully generated plans and documents that outline what actions local governments should take to help restore the Bay. However, I believe we're heavy on written plans, and we're struggling on the follow-through – i.e., technical and financial assistance to get more done. This was the most common and strongly voiced concern among LGAC members from all jurisdictions at our most recent meeting, held right here in this building. And I want to take this opportunity to thank Congressman Gilchrest and his staff for engaging in substantive dialogue with LGAC members about this legislation.

Local governments throughout the watershed are currently spending millions of local citizenry dollars to do our part in cleaning up the Bay. However, there needs to be a greater emphasis on developing mechanisms to capture those substantial implementation efforts by local governments and others which are not funded through state or federal Chesapeake Bay funds. For instance, the Commonwealth of Virginia still does not have an effective mechanism to track urban nonpoint source Best Management stormwater facilities. This could be accomplished through a direction to the Chesapeake Bay Program Office and the states to develop an enhanced tracking and reporting system. I understand that the states may already be working on such a system, but to facilitate reporting by implementing entities, I would recommend that this system be web-based and simple to use.

I'm sure it is no surprise to you that the biggest help we could use is additional federal and state funding. The "Cost of a Clean Bay" report prepared by the Chesapeake Bay Commission estimated that more than half of the cost for meeting C2K nutrient and sediment reduction goals would be borne by local governments. In some of the most expensive programmatic areas, such as stormwater management and urban nonpoint source pollution control, the local government share is closer to 100% since there are virtually no federal or state funds to help address the problem. While, sadly, the thoughtful recommendations of the Chesapeake Bay Blue Ribbon Finance Panel seem to have largely faded from memory, the needs that were identified there have not. It is

critical that the federal and state governments in the watershed assume a major role in providing financial assistance for implementation at the local level.

On the issue of funding, I also need to mention my concern with deep cuts being proposed to the Clean Water State Revolving Fund (CWSRF). While local governments and our State partners are working to increase funding for clean water programs, the federal SRF is being targeted for cuts totaling \$199.2 million. Many local governments, especially in rural areas, in the Bay watershed depend on this federal funding to pay for high priority water pollution control projects, and the proposed budget cuts are exactly the opposite of what's needed to achieve our goal of a clean and healthy Bay.

But funding alone isn't enough. We also need our state and federal partners to work cooperatively with local governments on a watershed basis to:

1. **Clearly articulate measurable goals for local governments to achieve and couple these with appropriate levels of funding support.** I support the requirement for measurable goals for local governments under the Local Government Involvement section, with the provisions that this be woven into a realistic implementation plan that includes equitable levels of funding support. To guarantee success of the Tributary Strategies, it is critical to have a detailed plan for implementation that explains who, what, when, where, why, and how.
2. **Increase the level of support for the Small Watershed Grants Program to the proposed authorized amount of \$10,000,000.** While far short of the estimated funding necessary to achieve the C2K goals, the Small Watershed Grants are

perhaps the most effective mechanism for engaging local governments in the common effort to achieve water quality and habitat goals. The current funding level of \$2 million translates into just \$1,212 for each of the 1,650 local governments in the Chesapeake Bay Watershed. In addition, I recommend increasing the cap on individual small watershed grants to as much as one million dollars, a substantial increase over the present fifty thousand dollar limit. Let me give you an example: in Fairfax County, we often do not apply for small watershed grants because the staff time involved in preparing the grant application actually costs more than the grant itself. The current \$50,000 cap effectively eliminates larger jurisdictions from participating in the Small Watershed Grants Program. In addition to the review and prioritization of grant proposals by the Chesapeake Bay Local Government Advisory Committee, there also should be a mechanism for prioritizing grants within watersheds or metropolitan areas to ensure that grants address priority local or tributary-specific issues. A good example of a priority might be the ongoing efforts to restore the Anacostia River which flows into the Potomac River just a few blocks from here.

- 3. Establish a “Measurable Goals” provision for Soil Conservation Districts comparable to the provision for local governments.** As the level of accountability and responsibility for local governments is increased, equity suggests that there be a comparable provision for “Measurable Goals” for the agricultural sector. A logical geographic unit would be the soil conservation district. As above, implementation should be coupled with equitable levels of funding support.

4. Enhance the Tributary Strategies and Implementation Plans to explicitly address nutrient and sediment “Cap Management” as growth continues. Cap management is clearly required by the Chesapeake 2000 agreement, and the population of the watershed is projected to increase by upwards of 2 million between now and 2030. If not explicitly addressed at the State level in Tributary Strategies and related implementation plans, there is a very real risk of losing ground, literally, as new development occurs.

5. A one-size-fits-all approach to local government coordination and Agreement implementation will not work. Outreach and implementation must be tailored to the abilities of large and small jurisdictions to undertake those efforts.

Differences in local government access to technology must be considered during the development of communications strategies. A strong, structured technical assistance program to local governments is needed, especially in smaller, more rural jurisdictions that lack staff expertise in stormwater management and watershed protection. In many localities, watershed management still is not reflected in land use planning. As a result, development patterns and practices ignore the many values that riparian buffers, protected floodplains and protected natural resource lands offer for water quality, water supply, and wildlife habitat. More importantly, as a local elected official, I know that local government officials need to understand the local benefits that would result from changes in land use policies. Otherwise, they won't be persuaded to defend these changes before their constituency.

- 6. We are concerned about the proposed language that requires tributary strategy goals or BMPs to be included in NPDES permits, both point and nonpoint source, or MS4 permits.** In Virginia, nonpoint source pollution standards should not be written into MS4 permits because, as mentioned earlier in my testimony, the Commonwealth does not yet have an effective mechanism to track urban nonpoint sources.

Each of these areas is of strong interest to LGAC. With appropriate staff and requisite resources, I can envision an activist role for LGAC, as the Tributary Strategies are turned in to action plans, including:

- Developing goals at the local level and helping to ensure that localities live up to their responsibilities;
- Partnering with state and local agencies to achieve an equitable allocation of funding;
- Reaching out to other sectors, especially agriculture and private industry.

We need to open or continue dialogue with all our partners in the Bay Watershed. We are all in this together: from those who labor under the Statue of Freedom atop the Capitol dome to the Pennsylvania farmer, the Maryland waterman, the Virginia technology worker, the long-time resident, and the new Americans. Finger-pointing won't clean up the Bay; working together just might.

Mr. Chairman, thank you again for the opportunity to appear here today and for your leadership in helping to keep the Bay restoration effort moving forward. We are looking

forward to working with you, other members of Congress, and our State and federal partners to achieve our shared goals of a restored Chesapeake Bay watershed.